

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MAHMOUD KHALIL, et al.,

Plaintiffs,

v.

TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK et al.,

Defendants.

No. 1:25 Civ. 02079 (AS)

**DECLARATION OF BRENDAN CARROLL IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

I, Brendan Carroll, hereby declare pursuant to 28 U.S.C. § 1746:

1. My name is Brendan Carroll, and I am a Staff Attorney at the Council on American-Islamic Relations, New York ("CAIR-NY")—a nonprofit legal services organization. I submit this declaration in support of Plaintiffs' motion for a preliminary injunction. All facts set forth in this declaration are based upon my personal knowledge, and, if called upon to testify as to the truth of these facts, I could and would competently do so.

2. In my capacity as Staff Attorney at CAIR-NY, I represent over seventy Columbia University ("Columbia" or the "University") students who are in active disciplinary proceedings before the University's Office of Institutional Equity ("OIE"). All these students are being investigated as a result of their pro-Palestine statements and advocacy. Specifically, the OIE is investigating my clients for their participation in a protest which occurred on May 7, 2025, in Butler Library, a building on Columbia's Morningside Campus.

3. Columbia has at least two offices that investigate student misconduct. The University Judicial Board (UJB) issues sanctions broadly for all manner of University policy

violations. That includes punishments for students who violate University rules regarding the time, place, and manner of protest. The OIE's mandate is different. The OIE specifically claims to investigate students for speech that constitutes discrimination or harassment under Title VI.

UJB Proceedings Responding to the May 7 Butler Library Protest.

4. Columbia announced its UJB investigation into student misconduct at the Butler Library protests on June 9, 2025. All participants were charged with various violations of the Columbia Rules of University Conduct. There are strongly conflicting accounts of the Butler Library protest. Many of the students I represent were charged—I believe wrongly—by the UJB for violating University rules against prolonged disruption. That is questionable given records showing it was Columbia that locked protesters into the Library and hospitalized five students.

5. Columbia announced the outcome of the UJB proceedings for the Butler Library student protesters on July 21, 2025. All students received a sanction of between one and a half to three years' suspension. Three students were expelled. Those sanctions are now final.

Separate OIE Proceedings Responding to the May 7 Butler Library Protest.

6. Columbia announced the launch of separate OIE disciplinary proceedings against the protesters at Butler Library on June 17, 2025. Every participant in the May 2025 protest—more than 70 students—received a word-for-word identical Notice of Allegations (“Notice”) from the OIE alleging that they had engaged in anti-Semitic harassment. **See Exhibit A.**

7. The Notice claims that students “may have subjected individuals to unwelcome conduct” in violation of Columbia’s Anti-Discrimination Policy. The Notice alleges that this is because students protested in an area where “one or more individuals who identified as members of a protected class were present.” Ex. A, at 3. The Notice does not identify any individual

participant responsible for harassing conduct and does not indicate that any students' speech was directed at members of a protected class.

8. The Notice lists several statements and symbols associated with Palestinian liberation as the sole evidence of discriminatory speech. Such statements include: "Glory To Our Martyrs"; "Land Back Now"; "Palestine Will be Free"; "The Struggle For Liberation Is A Struggle For Life"; and "Gaza Rises." These statements deliver a political message regarding Israel's ongoing occupation and genocide in Gaza—which is now identified as a violation of international law by the International Court of Justice and an overwhelming number of international human rights organizations, including Israeli human rights groups.¹ There is neither evidence nor other information in the Notice to support the allegation that such statements were targeting any students of any protected class.

9. OIE's disciplinary proceedings are ongoing. I am concerned with why they were initiated in the first place. Columbia already punished all 70+ students it suggests violated the Rules of University Conduct—and harshly. Continuing to threaten students with suspension or expulsion just because they believe in Palestinian human rights is wrong.

Other Instances of OIE Investigations into Pro-Palestine Speech.

10. This is not the first time that the OIE has labeled political support for Palestine and criticism of Israel as discrimination. On May 22, 2025, the OIE declared that a Columbia student

¹ INTERNATIONAL COURT OF JUSTICE, "Legal Consequences arising from the Policies and Practice of Israel in the Occupied Palestinian Territory" No. 2024/57 (July 19, 2024), <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-pre-01-00-en.pdf>; AMESTY INTERNATIONAL, "You feel like you are subhuman: Israel's Genocide against Palestinians in Gaza," (Dec. 5, 2024), <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>; U.N. Office on Genocide Prevention and the Responsibility to Protect, "Responsibility to Protect," <https://www.un.org/en/genocide-prevention/responsibility-protect/about>; see also A. Martinez, *Two prominent Israeli rights groups say Israel is committing genocide in Gaza*, NPR NEWS (July 29, 2025), <https://www.npr.org/2025/07/29/nx-s1-5482830/two-prominent-israeli-rights-groups-say-israel-is-committing-genocide-in-gaza>.

group engaged in discriminatory harassment because they authored an op-ed calling for Columbia to divest from companies that profit from “Israeli apartheid.” *See Exhibit B; id.* at 2, 6. Students also called for Columbia to cut joint programs with Tel Aviv University—which they assert restricts Palestinian students from attending. Ex. B at 6. There is neither evidence nor other information in OIE’s notice to support the allegation that such statements were targeting any students of any protected class. *Id.* at 5-7. I am aware of this example because it exists in public filings before the courts of New York State.

11. This is how Columbia has been treating anti-Israel statements under the University’s new definitions of anti-Semitism—even prior to its recent adoption of the IHRA definition. I worry that the IHRA definition—including its examples that more explicitly prohibit criticism of Israel—will permit the OIE to even more aggressively punish students for their political advocacy in the future.²

12. I am also aware of several other recent and ongoing OIE disciplinary proceedings against students for their speech in support of Palestine or critical of Israel. But students are rightly fearful they may face reprisal either from Columbia or the federal government if they come forward.³

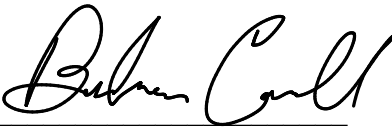
² IHRA, *Working definition of antisemitism* (2025), <https://holocaustremembrance.com/resources/working-definition-antisemitism> (prohibiting “comparisons of contemporary Israeli policy to that of the Nazis” or “Applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation”).

³ *See* Meghnad Bose & Anna Oakes, *How Columbia’s Leadership Refashioned the University in Trump’s Image*, THE INTERCEPT (Aug. 7, 2025), <https://theintercept.com/2025/08/07/columbia-gaza-student-protests-expulsions-trump/> (“Not only did Columbia and the Trump administration have detailed exchanges about altering the university’s disciplinary proceedings — especially in how they impacted protesters — but new rules regarding disciplinary procedures were also imposed on the university by its powerful board of trustees in a manner explicitly outlined by the Trump administration”).

13. I have many Columbia student protesters as my clients. They come from all walks of life. Some of them are Jewish students, some of them are Palestinian students—but all of these students care deeply for the future of this country and our world. It is wrong to cast their care as discrimination just to stop them from speaking.

I have reviewed the information contained in this declaration. I declare under the penalty of perjury that the contents are true and correct to the best of my knowledge.

Dated: New York, New York
August 12, 2025

By: 
Brendan Carroll